

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JP MORGAN CHASE BANK, N.A.,

Plaintiff,

CASE No. 07-10908

vs.

HONORABLE GERALD E. ROSEN
HONORABLE STEVEN D. PEPE

EAGLE IMPORT AND EXPORT, INC.,
a Michigan corporation,
EAGLE ONE INVESTMENT, INC.,
a Michigan corporation, and ALI FARHAT,,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO EMPLOY A
SUBSTITUTED MANNER OF SERVICE OF PROCESS (DKT. #6)
AND
ORDER GRANTING PLAINTIFF'S MOTION TO EXTEND TIME TO SERVE
SUMMONS AND COMPLAINT (DKT. #10)**

On April 4, 2007, Plaintiff filed its "Verified Ex Parte Motion For Substituted Service" in which it seeks leave to employ a substituted manner of service of process to Defendants, pursuant to Fed. R. Civ. P. 4(e)(1), 4(h)(1) and Michigan Court Rule 2.105(I), on the basis that service of process cannot reasonably be made (Dkt. #6). On June 13, 2007, Plaintiff also filed a motion to extend the time to serve its Summons and Complaint (Dkt. #10). Both motions were referred for hearing and determination pursuant to 28 U.S.C. § 636 (b)(1)(A). For the reasons indicated below, it is **ORDERED** that Plaintiff's motions are **GRANTED**.

The present case concerns two corporate entities and one controlling officer who allegedly guaranteed over \$300,000.00 in credit and defaulted within less than half a year on the

notes. On March 1, 2007, Plaintiff filed a three-count complaint against Defendants, Eagle Import and Export, Inc., Eagle One Investment, Inc. and Ali Farhat. Summonses were subsequently issued on that date against Defendants, Eagle One Investment, Inc. and Eagle Import and Export, Inc., with resident agent being Ali Farhat, at 25000 Ford Road, in Dearborn Heights, Michigan. A Summons was also issued against Defendant, Ali Farhat, at 4531 Helen, Dearborn, Michigan 48126. Plaintiff's process server, Don Miscovich, attempted to serve the summons on several occasions without success (Dkt. #6, Ex. A).

To date, no appearances or responsive pleadings have been filed. Plaintiff received a response to its query with the Postmaster that Ali Farhat has moved from 4531 Helen in Dearborn, Michigan, and left no forwarding address (Dkt. #6, Ex. B). As to the two Eagle entities, Plaintiff has received responses from the Postmaster that neither entity has changes of addresses on file. According to corporate registration records for the State of Michigan, the registered agent for both Eagle entities is Ali Farhat (Dkt. #6, Ex. C). Moreover, the mailing addresses and location of the registered agent for the two Eagle entities are 25000 Ford Road, and 4531 Helen in Dearborn Heights and Dearborn, Michigan, respectively.

Reasonable and diligent attempts at service on all entities have been unsuccessful, and it is Plaintiff's belief that Defendant Ali Farhat has left the country (Dkt. #6, Ex. A). Fed. R. Civ. P. 3(e)(1) allows service of an individual in the judicial district pursuant to the law of the state in which the district is located. Because service of process cannot reasonably be made as provided under the usual manner, the Court may grant leave for service of process to be performed in "any other manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard." MCR 2.105(I). Both of these addresses for Defendant Ali Farhat's

two corporations are in the state of Michigan. There has been no change of addresses indicating a location outside of this judicial district. Thus substitute service is appropriate on them, and on Mr. Farhat under the laws of the state of Michigan.

Accordingly, **IT IS ORDERED** that Plaintiff may serve summons, pleadings and other papers to Defendants utilizing their last known registered business addresses currently on file with the State of Michigan. Said addresses being 25000 Ford Road, Dearborn Heights, Michigan 48127 and 4531 Helen, Dearborn, Michigan 48126.

IT IS FURTHER ORDERED pursuant to Fed. R. Civ. P.(m) that the time for service of the Summons in this case is extended until October 27, 2007, and a copy of this Order shall accompany service of the Summons and Complaint.

SO ORDERED.

Date: July 26, 2007
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2007, I electronically filed the foregoing paper with the Clerk Court using the ECF system which will send electronic notification to the following: Steven F. Alexsy, and I hereby certify that I have mailed United States Postal Service the paper to the following non-ECF participants: not applicable.

s/ James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
600 Church St.
Flint, MI 48502
810-341-7850
pete_peliter@mied.uscourts.gov